

Ex. A

05-1349

State of Alabama  
Unified Judicial System

Form ARCivP-93 Rev. 5/99

**COVER SHEET**  
**CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

Case Number

CV

Date of Filing:

Month Day Year

Judge Code:

**GENERAL INFORMATION**IN THE CIRCUIT COURT OF Montgomery, ALABAMA  
(Name of County)

Mary Bloodsworth v. Smith's Nephew  
Spar Medical, Inc.  
 Plaintiff Defendant

First Plaintiff ☐ Business ☒ Individual ☐ Government ☐ Other

First Defendant ☒ Business ☐ Individual ☐ Government ☐ Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

**TORTS: PERSONAL INJURY**

- ☐ WDEA - Wrongful Death  
☐ TONG - Negligence: General  
☐ TOMV - Negligence: Motor Vehicle  
☐ TOWA - Wantonness  
☐ TOPL - Product Liability/AEMLD  
☒ TOMM - Malpractice-Medical  
☐ TOLM - Malpractice-Legal  
☐ TOOM - Malpractice-Other  
☐ TBFM - Fraud/Bad Faith/Misrepresentation  
☐ TOXX - Other: \_\_\_\_\_

**TORTS: PROPERTY INJURY**

- ☐ TOPE - Personal Property  
☐ TORE - Real Property

**OTHER CIVIL FILINGS**

- ☐ ABAN - Abandoned Automobile  
☐ ACCT - Account & Nonmortgage  
☐ APAA - Administrative Agency Appeal  
☐ ADPA - Administrative Procedure Act  
☐ ANPS - Adults in Need of Protective Services

**OTHER CIVIL FILINGS (cont'd)**

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve  
☐ CVRT - Civil Rights  
☐ COND - Condemnation/Eminent Domain/Right-of-Way  
☐ CTMP - Contempt of Court  
☐ CONT - Contract/Ejectment/Writ of Seizure  
☐ TOCN - Conversion  
☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division  
☐ CVUD - Eviction Appeal/Unlawful Detainer  
☐ FORJ - Foreign Judgment  
☐ FORF - Fruits of Crime Forfeiture  
☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition  
☐ PFAB - Protection From Abuse  
☐ FELA - Railroad/Seaman (FELA)  
☐ RPRO - Real Property  
☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship  
☐ COMP - Workers' Compensation  
☐ CVXX - Miscellaneous Circuit Civil Case

ORIGIN (check one):

F ☒ INITIAL FILINGR ☐ REMANDEDA ☐ APPEAL FROM DISTRICT COURTT ☐ TRANSFERRED FROM OTHER CIRCUIT COURTO ☐ OTHER: \_\_\_\_\_

HAS JURY TRIAL BEEN DEMANDED?

☒ YES ☐ NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P. for procedure)

RELIEF REQUESTED:

☐ MONETARY AWARD REQUESTED☐ NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

DU1001

Date

5-31-05

Signature of Attorney/Party filing this form

MEDIATION REQUESTED:

☐ YES ☐ NO ☐ UNDECIDED

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, ALABAMA

CIVIL ACTION NO. CV 05-1349 TMH

MARY BLOODSWORTH, an individual; and  
JERRY BLOODSWORTH, an individual.

Plaintiff,

vs.

SMITH & NEPHEW, a corporation; SPAR MEDICAL, INC., a corporation; DONNIE LANIER,  
an individual;

No. 1, whether singular or plural, that hospital, clinic, or other health care facility which undertook to provide medical or medical-related services to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract, or other actionable conduct of which contributed to cause the plaintiffs' injuries;

No. 2, whether singular or plural, that medical partnership, professional association, or professional corporation which undertook to provide medical or medical-related services to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract, or other actionable conduct of which contributed to cause the plaintiffs' injuries;

No. 3, whether singular or plural, that person who, as an owner, stockholder, partner, associate, employee, or agent of any of the fictitious parties described above in items 1 through 2, undertook to provide any health care or related service to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract, or other actionable conduct of whom contributed to cause the plaintiffs' injuries;

No. 4, whether singular or plural, that physician (including an intern, resident, or fellow) who undertook to provide medical services to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract, or other actionable conduct of whom contributed to cause the plaintiffs' injuries;

No. 5, whether singular or plural, that nurse practitioner, licensed, registered, or practical nurse or nursing assistant who undertook to provide services to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract, or other actionable conduct of whom contributed to cause the plaintiffs' injuries;

No. 6, whether singular or plural, that medical services therapist, technician, or worker who undertook to provide services to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract, or other actionable conduct of whom contributed to cause the plaintiffs' injuries;

No. 7, whether singular or plural, that student health care practitioner who undertook to provide services to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract, or other actionable conduct of whom contributed to cause the plaintiffs' injuries;

No. 8, whether singular or plural, the physician's assistant who undertook to provide medical services to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit, the negligence, breach of contract or other actionable conduct of whom contributed to cause the plaintiff's injuries;

No. 9, whether singular or plural, that entity which designed or manufactured the hip prosthesis which contributed to cause injury to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;

FILED  
CLERK OF  
MONTGOMERY COUNTY  
2005 MAY 31 PM 2:51

**No. 10, whether singular or plural, that entity which in anywise participated in the testing of the hip prosthesis which contributed to cause injury to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;**

**No. 11, whether singular or plural, that entity which participated in the development of any plan to market the hip prosthesis which contributed to cause injury to the Plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;**

**No. 12, whether singular or plural, that entity which marketed the hip prosthesis which contributed to cause injury to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;**

**No. 13, whether singular or plural, that entity which dispensed or sold the hip prosthesis which contributed to cause injury to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;**

**No. 14, Any agent, employee, or representative of Smith & Nephew who called on Southern Bone and Joint with respect to hip prosthesis implanted into the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;**

**No. 15, Any agent, employee, or representative of Spar Medical, Inc., who called on Southern Bone and Joint with respect to hip prosthesis implanted into the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;**

**No. 16, whether singular or plural, that entity which was the principal or employer of any of the above named or described fictitious party defendants, whose negligence, breach of contract, breach of the standard of care, wanton conduct, or other actionable conduct contributed to cause injury to the plaintiff, Mary Bloodsworth, on the occasion made the basis of this suit;**

**No. 17, whether singular or plural, that entity which, concerning the occasion made the basis of this suit, was the principal of any of the named or above-described fictitious party defendants;**

**No. 18, whether singular or plural, that entity which is the successor-in-interest of the named or above described fictitious party defendants;**

**No. 19, whether singular or plural, that entity, other than those described above, the negligence, breach of contract, wanton conduct or other wrongful conduct of which contributed to the plaintiffs' injuries;**

**No. 20, whether singular or plural, that entity which provided any insurance coverage, of whatever kind of character, for any of the named or fictitious party defendants listed or named herein; and**

**No. 21, whether singular or plural, that entity or those entities, other than those described above, whose tortuous, outrageous, intentional, reckless, negligent, wanton, breach of contract, or other wrongful conduct contributed to cause plaintiffs' injuries.**

Plaintiffs aver that the identity of the fictitious party defendants is otherwise unknown to the plaintiffs at this time, or, if their names are known to the plaintiffs at this time, their identity as proper party defendants is not known to the plaintiffs at this time; but their true names will be substituted by amendment when the aforesaid lacking knowledge is ascertained.

Defendants.

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## COMPLAINT

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**I. JURISDICTION, VENUE & THE PARTIES**

A. Plaintiff, Mary Bloodsworth (hereinafter "Mrs. Bloodsworth"), is an individual over the age of nineteen (19) years and is a resident of Montgomery County, Alabama.

B. Plaintiff, Jerry Bloodsworth (hereinafter "Mr. Bloodsworth"), is an individual over the age of nineteen (19) years and is a resident of Montgomery County, Alabama.

C. Defendant, Smith & Nephew (hereinafter "Smith & Nephew "), is a corporation doing business in Montgomery County, Alabama.

D. Defendant, Spur Medical, Inc., (hereinafter "Spur Medical"), is a corporation doing business in Montgomery County, Alabama.

E. Defendant, Donnie Lanier, (hereinafter "Mr. Lanier"), is an individual over the age of nineteen (19) years and is a resident of Montgomery County, Alabama.

F. Defendants 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, whose or which's identities are unknown to the plaintiff at this time, but will be correctly named and identified when ascertained, are the respective entities who or which are named fictitiously in the caption of this complaint.

G. On or about June 2, 2003, in Montgomery County, Alabama, Mrs. Bloodsworth underwent a surgical procedure known as a left total hip arthroplasty, during which time there was implanted what is known as a prosthetic hip. (The components of the prosthetic hip are identified in the copy of Chart-Stik labels attached to this complaint as Exhibit 1.) Thereafter, she suffered several hip dislocations, and she underwent several operative procedures, including a surgical procedure at which time a "retaining lining and ring" were implanted.

Subsequently, Mrs. Bloodsworth suffered another dislocation. Finally, on or

about June 15, 2004, Mrs. Bloodsworth underwent a surgical revision of the left total hip arthroplasty, at which time the retaining lining and ring and other components of the hip prosthesis were replaced.

H. The components of the hip prosthesis implanted on or about June 2, 2003, and the retaining lining and ring implanted later, were manufactured, distributed, marketed, promoted, and sold by Smith & Nephew, Spur Medical, and Mr. Lanier.

## II. CAUSES OF ACTION

1. Smith & Nephew, Spur Medical, and Mr. Lanier are liable to Mrs. Bloodsworth pursuant to the Alabama Extended Manufacturer's Liability Doctrine. They were in the business of manufacturing, distributing, marketing and promoting the hip prosthesis, including the retaining lining and ring (hereinafter referred to collectively as "the product"). Smith & Nephew, Spur Medical, and Mr. Lanier manufactured, distributed, marketed, promoted, and sold the product, which was in a defective condition and was unreasonably dangerous when applied to its intended use in the usual and customary manner. Mrs. Bloodsworth, when exposed to the product in its usual and customary manner as it was intended to be used, was injured and damaged as a proximate result of Smith & Nephew, Spur Medical, and Mr. Lanier placing the product on the market, which was unreasonably dangerous at the time it was placed on the market by Smith & Nephew, Spur Medical, and Mr. Lanier. The product, at the time, Mrs. Bloodsworth was injured by it, was in substantially the same condition as it was in at the time it was manufactured, distributed, marketed, promoted, and sold by Smith & Nephew, Spur Medical, and Mr. Lanier.

2. Smith & Nephew, Spur Medical, and Mr. Lanier negligently, recklessly, or wantonly manufactured, distributed, marketed, promoted, and sold the product.

3. Smith & Nephew, Spur Medical, and Mr. Lanier negligently, recklessly, or wantonly advised customers (including Mrs. Bloodsworth's surgeon, who was a learned intermediary) with respect to both the indications for, and the risks and benefits of, the product.

4. Smith & Nephew, Spur Medical, and Mr. Lanier breached their implied warranty of merchantability. Smith & Nephew, Spur Medical, and Mr. Lanier were merchants or sellers of the product. Smith & Nephew, Spur Medical, and Mr. Lanier sold the product. The product was used by her surgeon for the ordinary purpose for which such products are used. The product was defective, or unmerchantable, i.e., it was not fit for the ordinary purposes for which such products are used.

5. Smith & Nephew, Spur Medical, and Mr. Lanier breached their implied warranty of fitness. Smith & Nephew, Spur Medical, and Mr. Lanier sold the product. At the time of the sale of the product, Smith & Nephew, Spur Medical, and Mr. Lanier knew, or had reason to know, of a particular purpose for which the product was to be used. At the time of the sale of the product, Smith & Nephew, Spur Medical, and Mr. Lanier knew, or had reason to know, consumers (including Mrs. Bloodsworth's surgeon) were relying on the skill and judgment of Smith & Nephew, Spur Medical, and Mr. Lanier to select or furnish a suitable product for the intended purpose. At the time of the sale of the product, Smith & Nephew, Spur Medical, and Mr. Lanier exercised their skill and judgment in the selection of the product, and consumers (including Mrs. Bloodsworth's surgeon) relied thereon. The product was used by consumers for the particular purpose for which selection had been made by Smith & Nephew, Spur Medical, and Mr. Lanier. The product



was not reasonably fit and suitable for the use for which it was selected. Smith & Nephew, Spur Medical, and Mr. Lanier selected a product which was not reasonably safe for its intended use.

6. Smith & Nephew, Spur Medical, and Mr. Lanier suppressed material facts, in that, while under a duty to do so, it failed to adequately advise consumers (including Mrs. Bloodsworth's surgeon) that this product could cause injury to individuals in whom it could be implanted. Had Mrs. Bloodsworth been so advised, she, as well as the ordinarily reasonable and prudent person, would have refrained from allowing the use of the product and, accordingly, would not have suffered injury.

7. Smith & Nephew, Spur Medical, and Mr. Lanier, willfully, recklessly, or negligently misrepresented the dangers of using this product. These misrepresentations were material and false. In reliance thereon, this product was used, and such reliance was to Mrs. Bloodsworth detriment.

8. Smith & Nephew, Spur Medical, and Mr. Lanier, and fictitious party defendants, No. 9 through 13, as the designers, manufacturers, sellers, distributors, marketers or promoters of the product, negligently or wantonly failed to adequately warn consumers of the dangers associated with the use of the product.

9. Smith & Nephew, Spur Medical, and Mr. Lanier negligently, recklessly, or wantonly promoted the product.

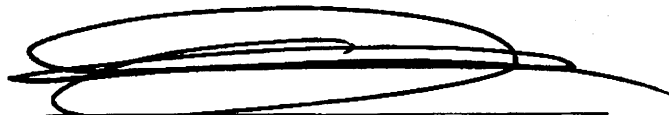
10. As a proximate result of the above-described conduct, which combined and concurred, the plaintiff, Mary Bloodsworth, was injured and damaged. Specifically, she was caused to suffer physical pain and mental anguish, and she was caused to lose money (medical expenses, and lost wages or benefits).

11. As a proximate result of the above-described conduct, which combined and



concurrent, the plaintiff, Jerry Bloodsworth (Mrs. Bloodsworth's husband), was caused the loss of his wife's consortium.

WHEREFORE, Mrs. and Mr. Bloodsworth request that the jury selected to hear the case render a verdict in their favor, and against every defendant, separately and severally, and that it award compensatory damages to Mrs. and Mr. Bloodsworth in an amount which will fairly and adequately compensate them. Further, Mrs. and Mr. Bloodsworth request that, should the jury find that any defendant's conduct merits the imposition of punitive damages, the jury award punitive damages to Mrs. Bloodsworth in an amount which will adequately reflect the enormity of the defendant's wrong in causing Mrs. Bloodsworth injuries, and which will effectively prevent other similarly caused injuries. Further, Mrs. and Mr. Bloodsworth request that the Court enter judgment consistent with the jury's verdict, and that it also award them interest from the date of judgment, plus costs.



Tom Dutton  
Attorney for Plaintiff

**OF COUNSEL:**

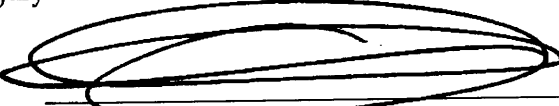
PITTMAN, HOOKS, DUTTON, KIRBY & HELLUMS, P.C.  
2001 Park Place North, Suite 1100  
Birmingham, Alabama 35203  
(205) 322-8880

**PLAINTIFF'S ADDRESSES:**

8824 Glen Rose Way  
Montgomery, AL 36117

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a struck jury for the trial of this case.

  
\_\_\_\_\_  
Attorney for Plaintiff

**REQUEST FOR SERVICE**

Pursuant to ARCP 4.1 and 4.2, Plaintiffs request service of the foregoing "Summons and Complaint" by certified mail.

  
\_\_\_\_\_  
OF COUNSEL

**DEFENDANTS TO BE SERVED BY CERTIFIED MAIL AS FOLLOWS:**

Smith & Nephew, Inc.  
C/o The Corporation Company  
2000 Interstate Park Drive  
Suite 204  
Montgomery, Alabama 36109

Spar Medical, Inc.  
C/o Nancy C. Sparacio  
1502 Inverness Lane  
Birmingham, Alabama 35243

Donnie Lanier  
3542 Royal Carriage Drive  
Montgomery, Alabama 36116

# EXHIBIT "1"

0314200525 MR 64653  
 BLOODSWORTH, MARY H  
 DR. HODURSKI, DONALD F  
 F 53Y

Charge Sticker



**Baptist**  
 HEALTH

## OR IMPLANT RECORD / CHARGE SHEET

BAPTIST MEDICAL CENTER

☒ South ☐ East ☐ Prattville

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

CHART-STIKO LABEL  
 REF 71336032  
 82 MM O.D.  
 USE WITH SIZE E LINER  
 REFLECTIONS INTERFIT™ 3 HOLE  
 POROUS ACETABULAR SHELL  
 TI-BAL-4V  
 Smith & Nephew LOT 02KM02969

ATTACH TO PATIENT'S RECORD

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

CHART-STIKO LABEL  
 REF 71332530  
 30 MM  
 REFLECTIONS  
 SPHERICAL HEAD  
 6.5 MM CANCELLOUS  
 TI-BAL-4V  
 \*H4357133253019\*  
 \*S03EM01645DF\*  
 Smith & Nephew, Inc LOT 03EM01645

ATTACH TO PATIENT'S RECORD

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

CHART-STIKO LABEL  
 REF 71332620  
 30 MM  
 REFLECTIONS  
 SPHERICAL HEAD SCREW  
 6.5 MM CANCELLOUS  
 TI-BAL-4V  
 Smith & Nephew LOT 02KM10923

ATTACH TO PATIENT'S RECORD

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

CHART-STIKO LABEL  
 REF 71333324  
 28 MM I.D.  
 SIZE E  
 REFLECTIONS XLPE 30°  
 MICROSTABLE ACETABULAR LINER  
 UHMWPE  
 Smith & Nephew LOT 02GM08649

ATTACH TO PATIENT'S RECORD

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

CHART-STIKO LABEL  
 REF 71341024  
 SIZE 14 ECHELON PR MARY  
 140 MM LENGTH  
 HIGH OFFSET  
 FEMORAL COMPONENT  
 CO-CR  
 \*H435713402417\*  
 \*S03DM033547B\*  
 Smith & Nephew, Inc LOT 03DM03354

ATTACH TO PATIENT'S RECORD

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

Description \_\_\_\_\_  
 Size/Quantity \_\_\_\_\_  
 Manufacturer \_\_\_\_\_  
 Catalog Number \_\_\_\_\_  
 Serial Number \_\_\_\_\_

CHART-STIKO LABEL  
 REF 71302808  
 COBALT CHROME  
 28 MM O.D., +8  
 12/14 TAPER FEMORAL HEAD  
 CO-CR  
 Smith & Nephew LOT 01CM04219

ATTACH TO PATIENT'S RECORD

Surgeon: Dr. Hodurski  
 Signature: [Signature] PRINTED BY: lwashington DATE: 11/14/2004

Surgery Date: 2/20/05  
 Procedure: Left Total Hip Arthroplasty



# POSTOPERATIVE PROGRESS RECORD

0314200525 MR 64653  
BLOODSWORTH, MARY H  
DR. HODURSKI, DONALD F  
F 53Y

Addressograph

Date	Time		
		Preop Dx:	RA - ? Arv (L) Hip
		Postop Dx:	Same
		Procedure:	(L) THA - 52mm Reflector 14mm Echelon
		Anesthesia:	Spiral
		Surgeon:	Hodurski
		Assistant:	
		Findings:	8 Suture Changes Both head + acetabulum
		Complications:	<input checked="" type="checkbox"/> None
		Specimen:	
		Disp:	PACU CVICU SICU NBN NICU LDR OP
		Date:	7/1/05
		M.D. Signature:	Hodurski

CHART STING LABEL  
REF 71332530  
30 MM  
REFLECTOR  
SPHERICAL HEAD  
5.5 MM CANCELLOUS  
THAIL-4V  
Smith & Nephew, Inc. 02KM10923

CHART STING LABEL  
REF 71332530  
30 MM  
REFLECTOR  
SPHERICAL HEAD  
5.5 MM CANCELLOUS  
THAIL-4V  
Smith & Nephew, Inc. 02KM02969

CHART STING LABEL  
REF 71332530  
30 MM  
REFLECTOR  
SPHERICAL HEAD  
5.5 MM CANCELLOUS  
THAIL-4V  
Smith & Nephew, Inc. 03EM01645

PRINTED BY: Washington DATE 11/7/2004

PRINTED BY: Iwashington DATE 11/4/2004

CHART-STIKO LABEL  
REF 71333324  
28 MM I.D.  
SIZE E  
REFLECTION® XLPE 20°  
MICROSTABLE® ACETABULAR LINER  
UHMWPE  
Smith & Nephew LOT 02GM06649

CHART-STIKO LABEL  
REF 71302808  
COBALT CHROME  
28 MM O.D. +8  
12/14 TAPER FEMORAL HEAD  
CO-CR  
Smith & Nephew LOT 01CM04219

CHART-STIKO LABEL  
REF 71341024  
SIZE 14 ECHELON PRIMARY  
140 MM LENGTH  
HIGH OFFSET  
FEMORAL COMPONENT  
CO-CR

\*\*\*H4357134102417\*\*\*  
\*\*\*03DM033547B\*\*\*

Smith & Nephew, Inc. LOT 03DM03354

State of Alabama  
Unified Judicial System

**SUMMONS - CIVIL**

Case Number  
CV-2005- 1849

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**MARY BLOODSWORTH,  
JERRY BLOODSWORTH**

vs.

**SMITH & NEPHEW, a corporation;  
SPAR MEDICAL, INC., a corporation;  
DONNIE LANIER, an individual**

Plaintiff,

Defendants.

NOTICE TO: **SMITH & NEPHEW, INC.**  
c/o The Corporation Company  
2000 Interstate Park Drive, Ste. 204  
Montgomery, Alabama 36109

D1

2005 MAY 31 PM 2:51  
CLERK OF  
MONTGOMERY COUNTY

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to TOM DUTTON of PITTMAN, HOOKS, DUTTON, KIRBY & HELLUMS, P.C., at 2001 Park Place North, Suite 1100, Birmingham, Alabama 35203. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

☐ TO ANY SHERIFF or other person authorized by either Rule 4.1(b)(2) or 4.2(b)(2) or 4.4(b)(2) of the Alabama Rules of Civil Procedure: You are hereby commanded to serve this summons and a copy of the complaint in this action upon Defendant.

☒ This service by certified mail of this summons is initiated upon written request of the Plaintiff pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

5-31, 2005  
Date

*Melissa Pittman*  
Clerk/Registrar

By: *RL*

**RETURN ON SERVICE:**

☐ Certified Mail return receipt received in (Return receipt attached hereto).

☐ I certify that I personally delivered in \_\_\_\_\_ County, Alabama, on (Date)

\_\_\_\_\_, 2005  
Date

Address of Server \_\_\_\_\_

Type

U.S. Postal Service™	
<b>CERTIFIED MAIL™ RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent to <i>The Corporation Company</i> Street, Apt. No. or PO Box No. <i>2000 Interstate Park Dr.</i> City, State, ZIP+4 <i>Montgomery, AL 36109</i>	

PS Form 3800, June 2002



State of Alabama  
Unified Judicial System

**SUMMONS - CIVIL**

Case Number  
CV-2005- 1349

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**MARY BLOODSWORTH,  
JERRY BLOODSWORTH**

vs.

**SMITH & NEPHEW, a corporation;  
SPAR MEDICAL, INC., a corporation;  
DONNIE LANIER, an individual**

Plaintiff,

Defendants.

NOTICE TO: **SPAR MEDICAL, INC.**  
c/o Nancy C. Sparacio  
1502 Inverness Lane  
Birmingham, Alabama 35243

D2

2005 MAY 31 PM 2:51  
COURT OF  
MONTGOMERY COUNTY

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to TOM DUTTON of PITTMAN, HOOKS, DUTTON, KIRBY & HELLUMS, P.C., at 2001 Park Place North, Suite 1100, Birmingham, Alabama 35203. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

☐ TO ANY SHERIFF or other person authorized by either Rule 4.1(b)(2) or 4.2(b)(2) or 4.4(b)(2) of the Alabama Rules of Civil Procedure: You are hereby commanded to serve this summons and a copy of the complaint in this action upon Defendant.

☒ This service by certified mail of this summons is initiated upon written request of the Plaintiff pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

5-31, 2005  
Date

By: EL

Clerk/Register

**RETURN ON SERVICE:**

☐ Certified Mail return receipt received in (Return receipt attached hereto).

☐ I certify that I personally delivered in \_\_\_\_\_ County, Alabama, on (Date)

\_\_\_\_\_, 2005  
Date

Address of Server \_\_\_\_\_

Type

7004 2550 0752 4002 8648 9662 9000 0752 4002

U.S. Postal Service™	
<b>CERTIFIED MAIL™ RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To: <u>Nancy C. Sparacio</u> Street, Apt. No., or PO Box No. <u>1502 Inverness Lane</u> City, State, ZIP+4 <u>Birmingham, AL 35243</u>	
PS Form 3800 June 2002	

State of Alabama  
Unified Judicial System

**SUMMONS - CIVIL**

Case Number 1349  
CV-2005-

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**MARY BLOODSWORTH,  
JERRY BLOODSWORTH**

vs.

**SMITH & NEPHEW, a corporation;  
SPAR MEDICAL, INC., a corporation;  
DONNIE LANIER, an individual**

Plaintiff,

Defendants.

D3

NOTICE TO: **Donnie Lanier**  
3542 Royal Carriage Drive  
Montgomery, Alabama 36116

2005 MAY 31 PM 2:51

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to TOM DUTTON of PITTMAN, HOOKS, DUTTON, KIRBY & HELLUMS, P.C., at 2001 Park Place North, Suite 1100, Birmingham, Alabama 35203. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

☐ TO ANY SHERIFF or other person authorized by either Rule 4.1(b)(2) or 4.2(b)(2) or 4.4(b)(2) of the Alabama Rules of Civil Procedure: You are hereby commanded to serve this summons and a copy of the complaint in this action upon Defendant.

☒ This service by certified mail of this summons is initiated upon written request of the Plaintiff pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

Date 5-31, 2005

By: BW  
Clerk/Register

**RETURN ON SERVICE:**

☐ Certified Mail return receipt received in (Return receipt attached hereto).

☐ I certify that I personally delivered in \_\_\_\_\_ County, Alabama, on (D

\_\_\_\_\_, 2005

Date

Address of Server \_\_\_\_\_

Type

4298 9662 9000 0152 4002

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees \$

D3  
Postmark  
Here

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

THIS INFORMATION IS FOR THE RIGHT

TMH

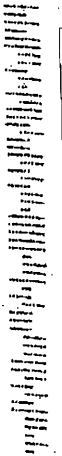
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p><i>Spar Medical, Inc.</i>  <i>c/o Nancy C. Paracio</i>  <i>1502 Inverness Lane</i>  <i>Birmingham, AL 35243</i></p> <p>2. Article Number  <i>(Transfer from service label)</i>  <i>7004 2510 0006 7936 8648</i></p> <p>PS Form 3811, February 2004</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Date of Delivery</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. If YES, enter delivery address below:</p> <p><i>D2</i></p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

102595-02-M-1540

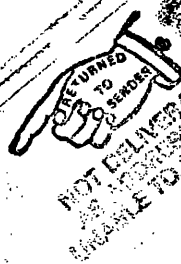
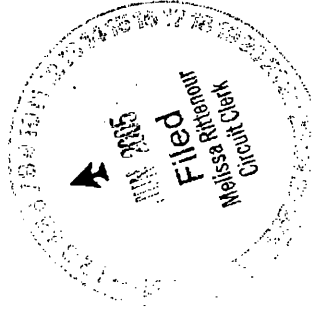
*f- Mary Bloodworth*  
*d- Smith + Nephew*



7004 2510 0006 7936 8648



CIRCUIT  
MONTGOMERY COUNTY COURTHOUSE  
P. O. BOX 1667  
MONTGOMERY, AL 36102-1667



Spar Medical Supply  
C/o Nancy C. Sparacio  
1502 Inverness Lane  
Birmingham, Alabama 35243

906



mtt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>x Linda L. Smith</p>	
	B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Donnie L. Smith	JUN 2005 Filed 05-1349 D3	
3542 Royal Carriage	Return Receipt for Merchandise	
Montgomery, AL 36116	<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7004 2510 0006 7936 8624	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

p- Mary Bloodsworth  
d- Smith + Nephew

TMH

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Smith Deppey Inc.  
c/o Int. Corporation  
2000 Interstate Park Dr.  
Suite 204  
Montgomery, AL 36109

2. Article Number  
(Transfer from service label)

7004 2510 0006 7936 8631

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature S. Slanson ☐ Agent ☒ Addressee

B. Received by (Printed Name)

S. Slanson

C. Date of Delivery

06-01

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

CV 05-1349 D1

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes